

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE  
of the  
Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on April 10, 2002.

MEMBERS PRESENT:

Legislator Angie Carpenter - Chairperson  
Legislator David Bishop - Vice-Chair  
Legislator Lynne Nowick  
Legislator Maxine Postal  
Legislator Joseph Caracappa  
Legislator William Lindsay

ALSO IN ATTENDANCE:

Paul Sabatino - Counsel to the Legislature  
Doug Sutherland - Aide to Legislator Carpenter  
Tom Donovan - Aide to Presiding Officer Tonna  
Ed Hogan - Aide to Legislator D'Andre  
Kellianne Sacchitello - Aide to Legislator Caracappa  
Terrence Pearsall - Aide to Legislator Lindsay  
Bill Faulke - County Executive's Office/Intergovernmental Relations  
Joe Michaels - Deputy County Executive  
John Gallagher - Commissioner/Suffolk County Police Department  
James Maggio - Deputy Commissioner/Suffolk County Police Department  
Phil Robilotto - Chief of Department/Suffolk County Police Department  
James Rooney - Suffolk County Police Department  
John Blosser - Lieutenant/Suffolk County Police Dept/Aviation  
Thomas Brandon - Deputy Inspector/Suffolk County Police Department  
Stuart Cameron - Captain-Special Patrol Bureau/SCPD  
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services  
Fred Daniels - Deputy Commissioner/Fire, Rescue & Emergency Services  
Kristine Chayes - Department of Civil Service  
Barbara Butzbach - Department of Health Services/DWI Facility-Yaphank  
Bill Maggi - President/Correction Officer's Association  
Bill Ellis - Director of Public Relations/Correction Officer's Assoc.  
Jeff Frayler - President/Police Benevolent Association  
Tom Muratore - Vice-President/Police Benevolent Association  
Cheryle Felice - Executive Vice-President/AME  
Ruth Cusack - Suffolk County League of Women Voters  
Mary C. Abad - Nominee/Human Rights Commission  
John Merle - Resident of Centereach  
Laura Ahearn - Executive Director/Parents for Megan's Law  
Megan Reilly - Assistant Director/Parents for Megan's Law  
Debbie Felber - Volunteer/Parents for Megan's Law  
Joan Burke - Intern/Parents for Megan's Law  
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(\*The meeting was called to order at 9:38 A.M.\*)

CHAIRPERSON CARPENTER:

All right, we will begin the meeting. And I would ask Legislator Caracappa to lead us in the Pledge of Allegiance.

Salutation

Thank you. Some things have come up and we're on kind of a tight schedule today and I've rescheduled the presentations on behalf of the various public safety sectors of the County to our next meeting two weeks from today. We will be hearing from the Sheriff, the DA's Office, the Police Commissioner and from FRES on the status of the County's public safety.

I have one card. There's been a change. Mary Abad, if you would like to come forward and sit at the table, please. Mary Abad is being -- her name is being put forward for the Human Rights Commission in place of the Sylvia Diaz appointment. Ms. Diaz has withdrawn her name for consideration. Mary, if you would briefly just tell us a little bit about yourself.

MS. ABAD:

I didn't realize -- do I just speak out?

CHAIRPERSON CARPENTER:

Yes, go right ahead. Just give us your name and where you live.

MS. ABAD:

My name is Mary C. Abad and I am --

MS. MAHONEY:

Could you just speak a little louder?

CHAIRPERSON CARPENTER:

And speak closer into the microphone.

MS. ABAD:

Usually I don't need a mike to speak, I am loud enough. But I didn't realize that I had to speak about myself this morning. I am a retired teacher. I am in business with my -- after I retired I went into business with my two sons.

CHAIRPERSON CARPENTER:

Mary, you are going to have to speak right into the microphone.

MS. ABAD:

My apologies. I said I'm a retired -- I can hear now, yes. I am a retired teacher, I retired in '89, I taught Spanish in Miller Place. And after that, my sons thought it would be a good idea if I joined with them and we have a construction company. And so I have been doing some work there, too, so I am not truly retired.

2

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Christie Thomas suggested that I -- she gave my name, I had no idea that I was going to be selected -- not selected, but at least chosen as a nominee. And I don't know what else to tell you about myself.

CHAIRPERSON CARPENTER:

Well, I know that the County Exec's Office had faxed over a resume, however, I don't seem to be able to locate it now and I will make sure

that the members of the committee do get copies of it, unless you have a copy with you.

(\*Legislator Postal entered the meeting at 9:41 A.M.\*)

MS. ABAD:

No, I don't. I didn't realize what I was going to do this morning.

CHAIRPERSON CARPENTER:

No problem, we'll get it to the members of the committee. Does anyone have any questions of Ms. Abad?

LEG. BISHOP:

I want to see the resume.

MS. ABAD:

If you do want to know a little bit about myself, I came to this country at the age of three when the Spanish Civil War broke out in '36 and we settled in Brooklyn. So my first language was Spanish, therefore that's why I decided to teach Spanish after all. But I worked when my children were just growing up, I wasn't a teacher at that time but I was Superintendent and Secretary at Miller Place. I decided at that time that I should really go to college and do what I really wanted to do, so after school I went at night and during summers and I did, you know, get a degree at Stony Brook and became a teacher. So that was basically my story.

We still keep ties with our family in Spain. And I have three children and eight grandchildren and we're a close family and I feel that I make good judgments and I'm very broad-minded and I have good moral judgments, I should say.

CHAIRPERSON CARPENTER:

All right. Well, thank you very much for sharing that information with us. And if there are any other questions? If not, thank you very much for coming down. I appreciate it.

MS. ABAD:

Thank you.

CHAIRPERSON CARPENTER:

Next speaker is Laura Ahearn.

MS. AHEARN:

Good morning.

CHAIRPERSON CARPENTER:

Good morning. Go ahead.

3

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MS. AHEARN:

The victimization of our children at the hands of priests is a bleak reminder that most childhood sexual abuse happens with someone a child has an established and trusted relationship with. Whether that relationship is sparked in an Internet chat room, on a soccer field, in a park or on a street corner on the way home from school, children are vulnerable to those who methodically target them, to chip away at their boundaries so they can sexually victimize them.

In New York State, after a sex offender has been convicted of a sex

crime against a child or a sexually violent offense against an adult, they are risk level assessed. The assessment process is a comprehensive evaluation of the offender's crime of conviction, prior criminal history, post offense behavior and their release environment. The assessment is a point system. In theory, as the severity of the crime increases, so too does the number of points, and so too does the risk level that is assigned to them. So level one offenders have been determined to pose a low risk of reoffending, level two a moderate risk and level three a high risk. Level two and three offenders have without doubt been determined to pose a risk to public safety. It is for this reason they should not be placed in unstable and transitional types of local housing located in close proximity, a thousand feet, to those vulnerable populations who they have been determined to pose a risk to in the first place.

Generally, sex offenders have a very high rate of recidivism. And placements in transitional or unstable types of housing close to potential victims may not only be putting the community at great risk but may also be setting up a sex offender who may be committed to his rehabilitation for entry into an extremely stressful environment, one which may actually be increasing the potential for reoffense.

It is for these reasons that Parents for Megan's Law very strongly supports the resolution before you today to establish a policy for the placement of convicted sexual predators in Suffolk County. Let us not use our County tax dollars to create opportunity for sexual victimization of children.

CHAIRPERSON CARPENTER:

Thank you very much, Laura. Does anyone have any questions? Okay, thank you very much.

LEG. CARACAPPA:

Madam Chair? There are other panel speakers. Would anyone else like to add anything?

MS. AHEARN:

These are actually members of the community and of the organization. Debbie Felber might want to say a few words. Debbie is in the Middle Country School District, she's a mom there, and very recently a convicted sex offender was placed right across the street from a public school. So Debbie would like to speak a little bit to that.

CHAIRPERSON CARPENTER:

Okay, we do have a procedure here. In the future, when you do come down, fill out a card so that we do know that you're speaking.

4

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MS. FELBER:

Okay.

CHAIRPERSON CARPENTER:

And if you could just give us your name and where you live.

MS. FELBER:

My name is Debbie Felber, I live at 44 South Ruland Road in Selden, New York. Need the zip?

MS. MAHONEY:

No.

MS. FELBER:

Okay. I am a parent in the Middle Country School District community, and about two months ago I believe it was we had a sex offender that moved in after their release to a house which is -- I'm not sure exactly if it was a Suffolk County or State-owned or leased house that was across from one of our elementary schools. The parents were in a panic, the community was outraged because of the fact that they found out by -- the notifications didn't go out yet from our community but the police officers knocked on the doors of the parents that lived in the surrounding house. And when they found out, they were very upset and, of course, frightened for the fact that their children would be, you know, in a vulnerable situation.

We did contact our Legislator, Joe Caracappa. We contacted Laura Ahearn, Parents for Megan's Law. We -- you know, besides our school district who at the time did not even get notified yet, they weren't notified to the fact that this already had happened. So as a community, we did try to get as many people there to know that this was going on. After probably hundreds of phone calls to the Parents for Megan's law and to Joe Caracappa's office, and probably anybody else that they could get to listen, thankfully the offender was taken out of the home and relocated.

We just felt that this was something that shouldn't happen again, not just in our community but in any community. Because it is frightening for not only children but for adults; not all offenders offend children, but some of them offend adults. And when you put them in a building, near a building like a school or a library or playgrounds, anyone can be affected. So we hope that we -- you know, we were heard and we were very thankful we were and we hope that we can solve this in the future from not happening.

CHAIRPERSON CARPENTER:

Thank you. Thank you for sharing that information.

MS. FELBER:

Thank you.

CHAIRPERSON CARPENTER:

Thank you all. Next speaker is Cheryl Felice.

5

MS. FELICE:

Good morning, Madam Chair. Good morning, Members of the Legislature. How are you today? I didn't expect to speak today. I took a look at the agenda and I thought that perhaps the issue of cars for Probation Officers were going to be at this committee, learned it wasn't and that, in fact, it was tabled subject to call at Budget I believe. I bring the issue to your attention -- Cheryl Felice, I'm the Executive Vice-President of AME, I serve as liaison to the Probation Officers. And during our last round of negotiations we had tried to address some of the mileage issues and travel issues for many of our members. Probation Officers, as you know, take care of the many probationers in this County, they have to travel back and forth to monitor those probationers, sometimes they have to do transports Upstate to bring children to shelters up in those areas. So the issue of cars has always been an issue that is very strong to them.

And I just want to echo some of the sentiments that I know Barbara

Rivadeneyra who is the President of the Probation Officers Association brought to the attention of the Legislature. She is trying to address the issue from all fronts, in both the union, in her fraternal organization and through her department. AME has had labor management meetings with the Probation Office on the issue, I believe they are doing all that they can. AME has a provision in the last contract to establish a labor management committee for travel issues which is still pending, so I hope we'll be able to address it in that fashion. And I just wanted to bring it to the attention of Public Safety because I do think it falls under the domain of public safety.

CHAIRPERSON CARPENTER:

Cheryl, just to --

MS. FELICE:

Just so that you are aware of it.

CHAIRPERSON CARPENTER:

-- give you an update. In speaking to Legislator Postal, I do believe the resolution was only tabled, not tabled subject to call.

MS. FELICE:

Oh, okay.

CHAIRPERSON CARPENTER:

Because the Legislature really has been very sympathetic to this issue of cars for the Probation Officers.

MS. FELICE:

Okay, great.

CHAIRPERSON CARPENTER:

And I know in the last budget process ten cars were put in and we are looking at it. Thank you.

MS. FELICE:

Okay. I want to just stand here in support of that and I thank you for your concern. Thanks.

6

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LEG. CARACAPPA:

Thank you, Cheryl.

CHAIRPERSON CARPENTER:

Okay, we will move to the agenda. Everyone has received a copy of Mary Abad's resume. You know, I think that the resolution may be on the floor with a corrected copy.

LEG. BISHOP:

Paul? What did they do, replaced --

CHAIRPERSON CARPENTER:

That was the Sylvia Diaz.

MR. SABATINO:

Oh, that's on the floor.

CHAIRPERSON CARPENTER:

Yeah, so it's on the floor.

LEG. BISHOP:

Oh, they can do that? That's not a corrected copy?

CHAIRPERSON CARPENTER:

Well, it's a corrected copy, it was filed.

LEG. BISHOP:

That sounds like a new resolution.

CHAIRPERSON CARPENTER:

A major correction.

LEG. BISHOP:

Yes.

CHAIRPERSON CARPENTER:

Okay. I know the -- I believe the Police Commissioner is here. If you would like to come forward, there are a number of resolutions that you may want to comment on, Commissioner Gallagher. Good morning, gentlemen.

COMMISSIONER GALLAGHER:

Good morning. I was sitting -- Good morning, Madam Chairman, Members of the Committee. I was sitting in the back in the hopeful allusion that you had overlooked me and that we could go right on.

CHAIRPERSON CARPENTER:

This Public Safety Committee is ever vigilant --

LEG. BISHOP:

You're hard to miss.

CHAIRPERSON CARPENTER:

-- and we did see you. I actually -- there is an issue -- there are a couple of issues. One is the issue of the helicopters. And just for the information of the members of the committee, if they have not

7

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heard, I received a fax telling me that perhaps a couple of hundred people were going to be coming down to the Legislature on Tuesday to advocate for the extension of the helicopter service year-round. And I know at the last committee meeting that you told us that you would be working on coming up with the facts and figures that we needed and I'm not expecting them today -- in fact, I don't want them today -- because we did, you know, tell you that we didn't need them immediately because the helicopter service is beginning next month and will be going through the month of September. However, there seems to be a genuine feeling on the part of the Legislature as far as the policy goes to establish that policy of year-round service.

So just to reiterate, these two resolutions, I'm going to continue to table them. We are not prime, they are prime in the Budget Committee. And I understand, and perhaps the Chairman of the Budget Committee could let us know --

LEG. BISHOP:

I am not the Chair.

CHAIRPERSON CARPENTER:

Right, you're not the Chair now.



LEG. BISHOP:  
Thank goodness.

CHAIRPERSON CARPENTER:  
That there may be a move to move the resolution on Tuesday and that really distresses me because --

LEG. BISHOP:  
I don't think that's true.

CHAIRPERSON CARPENTER:  
Well, that was the information I had gotten. But I would just hope that we could do this in a very logical fashion, get the information from the department. We also need information from the Department of Public Works so that we can secure space that's a little bit more cost effective than what we're doing now, hangar space. And I don't think there's any question that, you know, we would like to see this done, but we want to see it done in the proper fashion. So I just wanted to share that information with you.

COMMISSIONER GALLAGHER:  
Thank you. Just for the record, too, with me is Chief of Department, Chief Robilotto and Assistant Deputy Commissioner Jim Maggio in charge of budget. We are working those numbers up, we will have them available to you at an appropriate time for them, the numbers on the use of the helicopter year-round.

CHAIRPERSON CARPENTER:  
The other issue I wanted to ask you to comment on was Resolution 1251, expanding the Forfeiture Law.

COMMISSIONER GALLAGHER:  
Yes. 1251?

8

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LEG. BISHOP:  
Are you done with the helicopter, that's it? Okay.

CHAIRPERSON CARPENTER:  
Yeah. No, he said he was going to come back with that information.

COMMISSIONER GALLAGHER:  
Yes, 1251 is -- I understand that this has been submitted to the County Attorney's Office for review, which I may have been the agent to ask for that; this is seizure of vehicles where the previous offense was impaired, driving while impaired. My own reaction to it is that while I applaud the intent, there may be a legal impediment because driving while impaired is not a crime, it's a violation. And I think the County Attorney's Office has already, if not actually promulgated, has made an informal opinion that this would be a flaw under the law, to seize property on the conviction of a violation would be -- I don't know what level of law, whether it's Constitutional, United States Constitutional, whatever, but they feel that it would be illegal, we would have serious legal problems trying to enforce a law like that.

It also I know, just on the standpoint of the impaired that we deal with, it would dramatically increase the seizures per week, per month that we do. That could become, just on a practical level, a problem.



But I think the more serious problem is simply the question of law, can you do something like this? So I'm waiting for the County Attorney to give a formal opinion.

CHAIRPERSON CARPENTER:

Well, if you could, as soon as you get that information, share it with us so that we can proceed to address this resolution.

Before we go to the rest of the resolutions, are there any questions or comments for the Commissioner? Legislator Bishop.

LEG. BISHOP:

Good morning. On the helicopter, maybe Deputy Commissioner Maggio can answer this because this is what I don't quite understand. Last year we knew we were going to have two ships, right, two helicopters, but it appears that the budget only provided for helicopter service on the east end seasonally; that's correct?

ASST. DEPUTY COMMISSIONER MAGGIO:

That's correct.

LEG. BISHOP:

And when I ask is that a policy decision, everybody denies it. They say, "Oh no, it wasn't a policy decision." Is that -- was that the policy that --

ASST. DEPUTY COMMISSIONER MAGGIO:

When we put the budget together for 2002, it was April and May of 2001; at that point, we hadn't even started the original helicopter service. So when we put the budget together, we assumed that again it would go just during the summer, so that's the reason why in 2002

9

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there's only money for the summer. That decision to start the policy and continue it --

LEG. BISHOP:

And at some point we went in and the Legislature extended it to, what is it, now we're at --

CHAIRPERSON CARPENTER:

Through 2001.

ASST. DEPUTY COMMISSIONER MAGGIO:

Through the end of 2001, that was after the budget or during the budget process.

LEG. BISHOP:

I thought the extension is to the autumn.

COMMISSIONER GALLAGHER:

No, the extension ran out on December 31st.

LEG. BISHOP:

Okay. So it --

COMMISSIONER GALLAGHER:

We will pick up again in this year's budget the May 1st to September 30th --

LEG. BISHOP:  
May 1st, okay.

COMMISSIONER GALLAGHER:  
-- operation.

LEG. BISHOP:  
And the push now is for year-round, what is that, from October 1st;  
when does the season end, Labor Day?

COMMISSIONER GALLAGHER:  
No, your budget, the budget that the Legislature gave us puts it  
through to September 30th, the end of September.

LEG. BISHOP:  
Till October, okay.

COMMISSIONER GALLAGHER:  
And we favored that kind of extension before and beyond the  
traditional summer season, Memorial Day to Labor Day, because of the  
volume of traffic that takes us in before Memorial Day and after Labor  
Day.

LEG. BISHOP:  
And what are the costs associated with keeping a helicopter at a  
County-owned airport? Is it -- I understand there's a lease cost; so  
we own the airport but not the hangar, is that the situation?

10

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COMMISSIONER GALLAGHER:  
That I can't address as far as --

ASST. DEPUTY COMMISSIONER MAGGIO:  
Correct.

COMMISSIONER GALLAGHER:  
We lease the space. We don't own the hangar, no.

LEG. BISHOP:  
Okay.

COMMISSIONER GALLAGHER:  
The County does not own the hangar.

LEG. BISHOP:  
So the County owns an airport but doesn't have any space in its  
airport --

ASST. DEPUTY COMMISSIONER MAGGIO:  
To house the helicopter, correct.

LEG. BISHOP:  
It's a remarkable situation. It's not your fault, it's just absurd.

CHAIRPERSON CARPENTER:  
Well, I think this is all part of the information that we're going to  
get back. And I think we also need to work, you know, with the  
Commissioner of Public Works, and I know the chairman of the committee  
is on this committee, too, Legislator Caracappa. Legislator Bishop?

LEG. BISHOP:

Yeah, I mean, we have been discussing this now for months. So what information are we waiting to get back; is there a report coming back?

CHAIRPERSON CARPENTER:

The Commissioner is coming back to us with the actual numbers for what it's going to cost us to provide year-round helicopter service from January through December, 12 months a year, you know, on into the future.

LEG. BISHOP:

And are you coming back with a -- in that report, suggestions on how it would be paid for for this year, or that's not the scope of the report?

COMMISSIONER GALLAGHER:

No, my -- I was not suggesting how to pay for it, just that this is what it will cost.

LEG. BISHOP:

You are just going to layout what the cost is.

COMMISSIONER GALLAGHER:

It's up in the hands of the Executive Office as to how they would react to the payment of it.

11

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LEG. BISHOP:

Well, don't they just call the Deputy Commissioner up and say, "Where are you going to find it in your budget", isn't that the way?

COMMISSIONER GALLAGHER:

Well, if they do they're going to find a problem because we don't have it in the budget.

LEG. BISHOP:

Okay, that's what I was trying to get at.

COMMISSIONER GALLAGHER:

We do not have the additional cost.

LEG. BISHOP:

Okay. Now, on another topic, last time you were here you said that you would have a report soon, I assume it's still coming, on the foot patrols. Spring has sprung and constituent's fancy turns to police officers on the street, they like to see their officers walking the beat.

COMMISSIONER GALLAGHER:

Yeah, I think what I said was we could give you an overview of the Patrol Division's deployment of patrol in the summer months.

LEG. BISHOP:

I thought what you indicated was that we could get a plan for each of the precincts.

COMMISSIONER GALLAGHER:

Yeah, the overview would give you a precinct by precinct employment of summer month patrol division.

LEG. BISHOP:

All right, and I know each of my colleagues agreed that they were interested in that.

COMMISSIONER GALLAGHER:

I was going to incorporate that into the State of the County's Public Safety status --

CHAIRPERSON CARPENTER:

At the next meeting.

COMMISSIONER GALLAGHER:

-- that we were preparing for today.

LEG. BISHOP:

Okay, so we'll have it for the next meeting?

COMMISSIONER GALLAGHER:

Absolutely.

LEG. BISHOP:

Thank you very much, Commissioner.

12

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CHAIRPERSON CARPENTER:

Thank you. Legislator Caracappa, you had something to add on the helicopter.

LEG. CARACAPPA:

Just further for Legislator Bishop's information. We're paying quite a high rate for the lease out there at Gabreski on top of everything else. And this year coming we're having problems with the insurance costs that are being applied to us as well, that is going up, hangar insurance as well as the basic insurance since 9/11 is being raised on us as well. And I know the Lieutenant from the Aviation Unit has been working very hard out at Gabreski to find -- to get the space that we had last year and to get it at the most reasonable cost and we have been working on it in the Space Management Committee as well. So we're getting close, right, Lieutenant, with the shake of the head? Yes, okay. Thank you.

CHAIRPERSON CARPENTER:

Thank you very much.

LEG. CARACAPPA:

Oh, the final question was -- I have a question to Jim. Have you talked to the Executive's people about the upcoming Capital Budget, about the possibilities of building our own space out at Gabreski and is it in the next Capital plan?

ASST. DEPUTY COMMISSIONER MAGGIO:

Well, the Capital Budget is in the hands of the County Exec right now, on April 15th I believe that will come out. We have had discussions over the last couple of months about including it in, I can't tell you for sure if they're going to include it or not but we have had discussions about the cost.

LEG. CARACAPPA:

If you could get me the preliminary costs that you've discussed. And if it's not in the budget, maybe it's something the Legislature can do

as an amendment as we go through the Capital Budget cycle.

ASST. DEPUTY COMMISSIONER MAGGIO:

Okay, I'll do that.

LEG. CARACAPPA:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Let us move to the agenda. Oh, before we do, I just wanted to state for the record that Legislator Lindsay has an excused absence, he was not able to be here this morning.

#### Tabled Resolutions

IR 1072-02 (P) - To establish DARE Program in Suffolk County as a permanent program (Binder). I'm going to continue to table this. The review panel is being formed. Second by Legislator Postal. All in favor? Opposed?

13

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LEG. CARACAPPA:

Opposed.

CHAIRPERSON CARPENTER:

One opposed, the resolution is tabled (Vote: 4-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Lindsay).

1190-02 - Amending the Adopted 2002 Operating Budget and appropriating funds in connection with the extension of Medevac Helicopter Services from Suffolk County Gabreski Airport on a permanent year-round basis (Towle).

LEG. BISHOP:

Motion to defer to prime.

LEG. CARACAPPA:

Second.

CHAIRPERSON CARPENTER:

I would like to table this and keep this in committee here, I don't want to defer it to prime. We've got the Commissioner coming back with a report in May.

LEG. BISHOP:

I withdraw the motion.

LEG. CARACAPPA:

Second to table.

CHAIRPERSON CARPENTER:

So 1190 and 1191, we have a motion and a second to table both. Tabled (Vote: 5-0-0-1 Not Present: Legislator Lindsay).

1191-02 - Amending the Adopted 2002 Operating Budget and transferring funds in connection with the extension of Medevac Helicopter Services from Suffolk County Gabreski Airport on a 12 month basis for 2002 (Towle).

1251-02 (P) - Adopting Local Law No. 2002, to Expand SCOPE of

County Forfeiture Law to cover driving while impaired (Towle).

LEG. BISHOP:  
Motion to table.

CHAIRPERSON CARPENTER:  
Motion to table by Legislator Bishop, second by Legislator Postal.  
All in favor? The resolution is tabled.

LEG. CARACAPPA:  
Opposed.

CHAIRPERSON CARPENTER:  
Opposed, Legislator Caracappa. Tabled (Vote: 4-1-0-1 Opposed:  
Legislator Caracappa - Not Present: Legislator Lindsay).

14

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### Introductory Resolutions

1291-02 (P) - Establishing policy for placement of convicted sexual predators in Suffolk County (Caracappa).

LEG. CARACAPPA:  
Motion.

CHAIRPERSON CARPENTER:  
We have a motion by Legislator Caracappa, second by --

LEG. BISHOP:  
Second.

CHAIRPERSON CARPENTER:  
-- Legislator Bishop. And on the motion, Legislator Postal.

LEG. POSTAL:  
Madam Chair, could we just have the Counsel, our Counsel just summarize the bill?

CHAIRPERSON CARPENTER:  
Certainly. Paul, if you would.

MR. SABATINO:  
This legislation is going to ask the State of New York, and the Federal Government if necessary, but the initial request is to have Social Services go directly to the State of New York to ask for a regulatory waiver under I think it's Section 168 of the Social Services Law to provide the County with the opportunity or the right in those instances in which the County is funding placements of individuals in residential settings, even if it's just a portion of County funding, to allow the County to restrict those placements of sexual predators who were -- who fall under Megan's Law as a Level two or a Level three designee within 1,000 feet of a variety of places, nursery schools, day-care facilities, senior citizens, middle schools elementary schools. If the waiver is approved then the County would have the ability to put those restrictions.

CHAIRPERSON CARPENTER:  
Thank you very much, Counsel. We have a motion and a second. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

LEG. CARACAPPA:

Thank you.

CHAIRPERSON CARPENTER:

1299-02 (P) - Authorizing the County to enter into an extension of intermunicipal agreement with the Village of Amityville for the provision of Bay Constables (Bishop). Legislator Bishop, if you would explain.

LEG. BISHOP:

This is the contract that we've done for the last five years, it's just coming through again. It's provided for in the budget.

15

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CHAIRPERSON CARPENTER:

Okay.

LEG. CARACAPPA:

Second.

CHAIRPERSON CARPENTER:

I assume that you would like to make a motion to approve.

LEG. BISHOP:

Motion to approve.

CHAIRPERSON CARPENTER:

Okay, and second by Legislator Caracappa. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1326-02 (P) - Appropriating funds in connection with planning for renovation at the Yaphank Correctional Facility (CP 3009) (County Executive). I'll make that motion, second by Legislator Caracappa. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1327-02 (P) - Appropriating funds in connection with improvements to the County Correctional Facility C-141/Riverhead (CP 3014) (County Executive). Motion by Legislator Nowick, second by Legislator Caracappa. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1328-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135) (County Executive).

LEG. POSTAL:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Postal, second by Legislator Nowick. All those in favor?

LEG. CARACAPPA:

What's the offset?

MR. SABATINO:

This is converting --

LEG. POSTAL:



Moving it to the Capital Budget.

MR. SABATINO:

This is change of financing.

LEG. BISHOP:

Oh, for the 5-25-5. And we have a tracking system?

LEG. POSTAL:

We moved a whole bunch of them, but -- if I could?

16

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CHAIRPERSON CARPENTER:

Yes. Certainly, Legislator Postal.

LEG. POSTAL:

The resolutions that are on the agenda amending the Capital Budget and Program are just complying with the policy that we adopted in the Operating Budget process of funding these projects out of the Capital Budget rather than the pay-as-you-go money. They don't equal -- and by the way, these are only those projects which are appropriate to public safety. I mean, there are some that are in Public Works and other departments, other areas. But they don't -- even if you take them in total, the ones that are currently laid on the table before the Legislature don't approach the \$13.2 million mark, it's part of that amount.

LEG. BISHOP:

Right. And I think that Mr. Pollert or Mr. Weiss are going to give us a tracking sheet.

LEG. POSTAL:

Right.

CHAIRPERSON CARPENTER:

Uh-huh, exactly. All right. So we then have a motion and a second to approve. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1329-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection for the purchase of a surveillance vehicle (CP 3172) (County Executive). I'll make that motion, second by Legislator Nowick. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1330-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with improvements to the Police 800 MHz Radio Communication System (CP 3221) (County Executive).

LEG. POSTAL:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Postal, second by Legislators Nowick. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

1350-02 (P) - Accepting and appropriating a grant in the amount of \$310,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department Wyandanch Targeted Enforcement III and Supplemental Enforcement Program with 75% Support

(County Executive).

LEG. POSTAL:  
Motion.

CHAIRPERSON CARPENTER:  
Motion by Legislator Postal, second by Legislator Bishop. It's a 75% grant, okay.

17

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LEG. CARACAPPA:  
Is that Weed and Seed?

LEG. POSTAL:  
No, it's Combat which is SAFE.

CHAIRPERSON CARPENTER:  
All those in favor? Opposed? The resolution is approved  
(Vote: 5-0-0-0).

1351-02 (P) - Accepting and appropriating a grant in the amount of \$8,000 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to purchase breath test instruments with 68.25% support (County Executive). Motion by Legislator Bishop, second by Legislator Nowick. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-0).

#### Sense Resolutions

Sense 22-2002 (P) - Memorializing Sense Resolution requesting the State of New York to enact Graduated Driver Licensing Law (Carpenter).

LEG. BISHOP:  
If you could explain the graduated license.

CHAIRPERSON CARPENTER:  
This is a bill that is before the Senate now. I know that Senator Owen Johnson has been working on it and sponsored it. And I want to just pull out the backup on it. Paul, do you -- can you explain?

MR. SABATINO:  
The Senate has actually adopted I think a modified version and the Assembly, it's still pending in front of the Assembly. But it would basically ask for nine or ten conditions to be attached to a junior driver's license. For example, the front seat occupant passengers would have to be secured with a safety belt or a child safety device if you've got a junior driver's license. The person who would be supervising the individual while they have a learner's permit would have to be 21 years of age instead of the current requirement of 18. You would, in circumstances of using your learner's permit, have to be accompanied by either an instructor, a parent or a driver education teacher.

LEG. BISHOP:  
Instructor?

MR. SABATINO:  
You'd have to be accompanied by a parent, a guardian, a driver education teacher or a driving instructor. You wouldn't be able to use your learner's permit unless everybody in the vehicle was using the safety

belt. You would also have to -- as a junior driver's license, you'd have to have at least 30 hours of supervision before you could get that driver's license with somebody who's qualified like a teacher or an instructor. If you hold a permit, you have to hold a permit for six months before you could take the road test and have no convictions for serious moving violations. You'd have a mandatory six month

18

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suspension if you did get convicted of a serious moving violation under the age of 18, and you would also have a 60 day suspension if you were involved in an automobile accident such as reckless driving or driving under the influence of alcohol. And the last one would be that the permit could be revoked if first it was suspended and then you had another accident before you reached the age of 18, then you would have -- the permit or the license would actually be revoked.

CHAIRPERSON CARPENTER:

Thank you very much, Counsel.

LEG. BISHOP:

How is that different than the current law, where is it different?

CHAIRPERSON CARPENTER:

It's just making the -- I think he read them, it's just making them much more difficult for young people.

LEG. BISHOP:

I mean, if you drive recklessly --

LEG. POSTAL:

Can I just respond?

CHAIRPERSON CARPENTER:

Certainly.

MR. SABATINO:

The suspensions and the revocations are new. The requirement that the individual be at least 21 who's the supervising person has a jump from the age of 18. The 30 hour --

LEG. BISHOP:

What's the 30 hours, explain that to me.

MR. SABATINO:

Those are all -- those are the five major components, the others are smaller, but there's eleven of them altogether.

LEG. BISHOP:

Well, what's the 30 -- a lot of these are -- I think you can boil them down to if immature people have driving privileges, they'll be suspended if they don't obey the law; I don't think we can argue with that. But what's the 30 hour requirement, and how is that different than --

MR. SABATINO:

Before you can apply for your junior driver's license, you have to demonstrate that you have had 30 hours of supervision from a driving school instructor.

LEG. BISHOP:

All right. What if you were in a school district that doesn't offer that, then you have to pay for that?

19

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CHAIRPERSON CARPENTER:

No, because the 30 hours has to be under the supervision of a parent, a guardian --

MR. SABATINO:

You have to get an affidavit from your parent.

CHAIRPERSON CARPENTER:

Right, you'd have to have --

LEG. BISHOP:

You have to get an affidavit from your parent.

MR. SABATINO:

An affidavit.

CHAIRPERSON CARPENTER:

And it's, you know, on the part of the parents, giving them more onus to make sure that they know what the rules are now and that there's more attention in -- you know, that they're taking it a little bit more seriously, because the majority of the accidents are occurring to these younger drivers.

LEG. BISHOP:

The majority of accidents are by 17 year olds? I don't know if that's true.

CHAIRPERSON CARPENTER:

Well, the majority of the traffic accidents, and probably the Police Commissioner could answer better than I. But certainly inexperienced drivers have been proven to cause more accidents.

MR. SABATINO:

Some of the statistics I put into the WHEREAS clauses. I mean, some of the information we had was that, for example, drivers aged 16 to 19 --

LEG. BISHOP:

Are more likely probably --

MR. SABATINO:

-- are four times more likely, 34% of deaths for people ages 16 to 19 arise out of motor vehicle accidents. And North Carolina had an experience with a similar law where the fatal accidents dropped 57%.

LEG. BISHOP:

My concern is that we are in a County, on an island where the automobile is very necessary to people's, not only their quality of life but to their ability to earn an income and to succeed in life.

CHAIRPERSON CARPENTER:

Right.

LEG. BISHOP:

Therefore, I don't want to go down a path where we're denying responsible people from obtaining licenses, and that would be my concern. On the other hand, I certainly want to provide a meaningful

implication for those who are not capable of behaving responsibly with driving privileges. So I don't know enough about this, but it -- I would like to -- can we have a hearing on this? I think it would be an interesting --

CHAIRPERSON CARPENTER:

Well, if we were -- you know, it's a sense resolution. I mean, we're not passing a law here in Suffolk County, so I don't know, you know, how appropriate it is for us to really have the hearing on it.

LEG. BISHOP:

Well, then why be so specific as to the specific list of --

CHAIRPERSON CARPENTER:

Because we were referring to the specific list of what's in the bill.

LEG. BISHOP:

Right, which was no longer exists, it got compromised, right; it passed in one house and it's passed in the other. So why --

CHAIRPERSON CARPENTER:

Well, look, here it is. It's a Sense Resolution.

LEG. BISHOP:

Okay.

CHAIRPERSON CARPENTER:

If you support it, please vote for it; if you don't, you know, abstain or vote no.

LEG. CARACAPPA:

Exactly.

CHAIRPERSON CARPENTER:

So I have a motion by Legislator Nowick, second by myself. All those in favor? Opposed? Abstain? The resolution is approved.  
(Vote: 5-0-0-0).

LEG. BISHOP:

You should have a public hearing, though

CHAIRPERSON CARPENTER:

The meeting is adjourned. Legislator Caracappa, did you --

LEG. CARACAPPA:

I just want to make an announcement that the next committee meeting which was Public Works has been canceled for today due to lack of a quorum, and an excused absence for Legislator Foley and Legislator Carpenter.

(\*The meeting was adjourned at 10:19 A.M.\*)

Legislator Angie Carpenter, Chairperson  
Public Safety and Public Information Committee

{ } - Denotes Spelled Phonetically

